IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

LA.App.No. 668 of 2002

LAR.19/1997 of SUB COURT, PALA
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APPELLANT/RESPONDENT:

STATE OF KERALA

BY GOVERNMENT PLEADER SRI. K.V. MANOJKUMAR.

RESPONDENTS/CLAIMANTS:
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1. **CHINNAMMA JOSEPH, PATHUPALLIL, ARUNAPURAM P.O., PALA.**
2. **ANNAKUTTY GEORGE, PATHUPALLIL, ARUNAPURAM P.O.,PALA.**
3. **P.J. CHERIAN, DO. DO.**
4. **MERCY JOSEPH, DO. DO.**
5. **P.J. JAMES, DO. DO.**

BY ADV. SRI. JAMES KURIAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24/10/2007 ALONG WITH LAA NO. 1586 OF 2002 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NOs. 668 & 1586 OF 2002

Dated this the 24th day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

These are appeals filed by the State and the claimants respectively against the judgment and decree in L.A.R. No. 19/1997 on the file of the Sub Court, Pala. Acquisition is for the purpose of widening of Ettumanoor-Erattupetta road.

2. It is brought to our notice that all cases where 100% enhancement was given were remanded to the reference court for fresh consideration with liberty to the parties to adduce fresh evidence.

In that view of the matter, it is not necessary to consider the appeal filed by the State against the enhancement and the appeal filed by the claimants seeking further enhancement, since in any case the matter will have to be considered afresh by the reference court. We set aside the judgment and decree in L.A.R. No. 19/1997 on the file of the Sub Court, Pala and remit the references to the said court for fresh consideration with

liberty to the parties to adduce fresh evidence. Parties shall appear before the reference court on 01.12.2007. In view of the remand as above, the party appellants shall be entitled to refund of court fee.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NOs. 668 & 1586 OF 2002

J U D G M E N T

24.10.2007